REMARKS

Upon entry of this amendment, claims 1-18 are pending. By this amendment, claims 1, 2, 4, 5, 9 and 18 are amended. Applicants submit that the above amendments do not add new matter to the application and are fully supported by the specification. Support for the amendment(s) may be found at least in Figure 6 and at page 11-13 of the specification. Applicants respectfully request reconsideration and timely withdrawal of all pending objections and rejections for the reasons discussed below.

Abstract Objection

In the Office Action, the Abstract was objected to because of minor informalities. The Abstract has been amended in accordance with the Examiner's helpful instructions.

Accordingly, Applicants respectfully request withdrawal of the objection to the Abstract.

Claim Objection

In the Office Action, Claim 1-2, 4- 5, 9-10, 16 and 18 were objected to due to minor informalities.

Claims 1, 4- 5, 9 and 18 have been amended to correct the informalities noted by the Examiner. These amendments are made for the sole purpose of correcting informalities. These amendments are not made for the purpose of avoiding prior art or narrowing the claimed invention, and no change in claim scope is intended. Therefore Applicants do not intend to relinquish any subject matter by these amendments. Applicants respectfully submit that claim 1, 4- 5, 9 and 18, as amended, overcome the stated objections. Additionally, Applicants submit that

dependent claims 10 and 16 are allowable because they depend from allowable claims 1 and 13, respectively. Accordingly, Applicants respectfully request withdrawal of the objection for claims 1-2, 4- 5, 9, 10, 16 and 18.

Rejections Under 35 U.S.C. § 103

Claims 1-6, 11-15, and 17-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent Pub. No. 2002/0147695 issued to Khedkar, *et al.* ("Khedkar") in view of U. S. Patent No. 5,926,800 issued to Baronowski, *et al.* ("Baronowski"). Claims 7-9 are rejected under 35 U.S.C., §103(a) as being unpatentable over Khedkar in view of Baronowski and in further view of Background Description. Applicants respectfully traverse these rejections.

Applicants note that a § 103 rejection requires the Examiner to first establish a prima facie case of obviousness: "The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. § 2142. The Court of Appeals for the Federal Circuit has set forth three elements which must be shown for prima facie obviousness:

> To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.
> *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

However, Applicants submit that the combination of references suggested by the Examiner does not show all the features of the claimed invention. For example, as further

explained below, neither Khedkar or Baronowski show the bid configurator (or other features) claimed by Applicants.

Regarding claim 1, the Examiner aptly noted that Khedkar "does not teach providing a data aggregator that integrates data from two or more enterprise data sources." Additionally, Applicants respectfully submit that Khedkar does not teach the bid configurator element or the aggregated enterprise database recited in claim 1.

Instead, Khedkar is directed to a method and system of automatically valuing individual real estate properties. In particular, Khedkar discloses implementing a fuzzy logic system as a 5-layer neural network, the structure of which can be interpreted in terms of high-level rules, and which is automatically trained by data inputted thereto (Khedkar, Paragraph 17). Although Khedkar generally discloses using a fuzzy logic interference system to map inputs to outputs using IF/THEN rules, the specific features and methods of Khedkar significantly differ from the claimed invention. For example, the form of the rules disclosed by Khedkar at paragraphs 14-20 significantly differ from the pattern matching rules disclosed at page 13 of Applicants' specification.

Because the rules taught by Khedkar differ so significantly from the pattern matching rules claimed by Applicants, there is no reasonable expectation of success that the rules of Khedkar would operate in an embodiment of the claimed invention, which according to claim 1, "...constructs one or more sell bid candidates from one or more target requests for quotes (RFQs)...." In particular, Khedkar teaches inputting particular attributes specific to a particular piece of real estate and receiving back a single (not one or more) estimate of the property's value. This teaching significantly differs from the claimed invention, which returns one or more

sell bid candidates for every inputted RFQ. Realizing the many deficiencies of Khedkar, the Examiner attempted to combine the teachings of Khedkar with the teachings of Baronowski.

The teachings of Baronowski, however, fail to cure the deficiencies of Khedkar. Specifically directed to a system and method for providing a line of credit secured by an assignment of a life insurance policy, Baronowski fails to disclose the data aggregator, bid configurator, inference engine, and facts and rules extracted from a knowledge base database as recited in claim 1. As the Examiner did not clearly point out which elements of Baronowski allegedly correspond to the data aggregator claimed, it will be presumed that the Examiner was referencing the statistical module and library datafile shown in FIG. 1 of Baronowski. Accordingly, Applicants respectfully submit that the statistical module and library data file disclosed by Baronowski are not the same as, and in fact operate differently, than the data claimed aggregator.

For example, Baronowski's statistical module uses medical databases, inputted medical expertise (e.g., patient-specific data inputted by doctors and other medical professionals), as well as statistical expertise and the loan provider's experience, to create a library datafile of disease-specific statistical models (Col 5, lines 8-11). The statistical models (e.g. rules) used are those commonly employed for characterizing the survival of chronic disease patients (Col. 7, lines 4-5). Significantly, the statistical models taught by Baronowski at Col. 8, line 56, do not even remotely resemble the pattern matching rules of the claimed invention.

As taught by Baronowski, the library datafile contains a library of target conditions, "i.e. the names of qualifying diseases for eligibility to the system or 'advanced age'." (Col. 7, lines 52-54). For each target condition, the library datafile contains a number of other identifying

factors, including *inter alia*, a convariance matrix, which illustrates the variance of the estimated parameters and how an error in estimating one parameter would affect the estimate of all the other parameters. These teachings directly contrast those of the claimed invention, which does not create or store a convariance matrix in its aggregated database.

Moreover, Baronowski teaches that the contents of the library data file remain constant from policyholder to policyholder, and are generated in advance using the experience and expertise of those skilled in the medical and statistical arts (Col 8, lines 30-33). Again, this teaching directly contradicts that of the claimed invention, in which the data is integrated from two or more data sources into an aggregated enterprise database.

In any event, even if Baronowski did disclose the data aggregator as claimed, the combination of Baronowski with Khedkar still would not teach each and every element of claim 1, as required to establish a prima facie case of obviousness, because neither Baronowski nor Khedkar disclose a bid configurator. This is shown not only by a thorough examination of the references themselves, but also by the Examiner's silence with regards to this claimed element, from which it can be inferred that the bid generator is an allowable element.

Claim 1 is further allowable over the combination of Baronowski and Khedkar because Baronowski addresses problems very different from the problems that Khedkar addresses. For example, Khedkar teaches a method and system for automatically evaluating a piece of real estate. Baronowski teaches a system and method for providing a line of credit secured by an assignment of a life insurance policy. Clearly, a person skilled in the real estate art would not be motivated to look to the teachings of Baronowski for solutions, and vice versa. For this reason, and because the references themselves fail to teach features of the claimed invention, the

motivation to combine the teachings of Khedkar and Baronowski makes sense only if one has read Applicants' specification, which is impermissible hindsight. Accordingly, claim 1 is allowable over both cited references, whether alone or in combination.

With regards to independent claims 13 and 18, the Examiner aptly admitted that "Khedkar does not teach aggregating data from one or more enterprise data sources and storing the aggregated data." The Examiner's assertion that Baronowski supplies this deficiency, however, is flawed for the same reasons that the reference failed to cure the deficiencies of Khedkar that were noted above with respect to claim 1.

For these reasons, Applicants respectfully submit that claim 1, as originally written is allowable. Moreover, Applicants respectfully submit that independent claims 13 and 18 are also allowable because they contain steps that embody elements recited in allowable claim 1 (i.e., aggregating data from one or more enterprise resources, constructing one or more bid candidates for one or more target RFQs, etc.). Consequently, Applicants respectfully request that the rejection of claims 1-6, 11-15, and 17-18 be withdrawn.

Claims 7-9

Claims 7-9, which depend from allowable claim 1, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Khedkar in view of Baronowski, in further view of Background Description. With regards to claims 7-9, the Examiner aptly noted, "Khedkar does not teach providing a data aggregator that integrates data from two or more enterprise data sources." (Office action, page 8)

With regard to claims 7 - 9, the Examiner further noted "Khedkar in view of Baronowski does not teach that the one or more sell bid candidates comprise one or more attribute name and value pairs, each of which belong to one or more attributable categories." (Office Action, page 9). However, with regards to claims 7 and 9, the Examiner stated, in part,

> Background Description of this Application teaches that the one or
> more sell bid candidates comprise one or more attribute name and
> value pairs, each of which belongs to one or more attributable
> categories. (Background Pg. 2, L. 18-22)....

With regard to claim 8, the Examiner stated, in part,

> Background Description of this Application teaches that (d) the
> RFQs comprise one or more attribute name and value range pairs,
> each of which belongs to one or more attribute categories.
> (Background Description, Pg. 2, L. 18-22)...

Clearly, the Examiner's reliance on the Background Description of Applicants' Specification for the motivation to combine Baronowski and Khedkar and to cure the deficiencies thereof constitute hindsight, which is impermissible. But even if that were not the case, claims 7 - 9 are still allowable because they both contain each and every limitation of claim 1, which Applicants submit is allowable for the reasons set forth above.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-6, 7-9, 11-15, 17-18. Since the none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1, 13, 18, and all the claims that depend therefrom are allowable.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed. Applicants hereby make a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to IBM Deposit Account No. 50-0510.

Respectfully submitted,

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